

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

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CARLA BURDEWICK, on behalf of  
herself and all others  
similarly situated,

NO. CIV. 2:11-1355 WBS EFB

ORDER RE: MOTION TO TRANSFER

Plaintiff,

v.

KOHL'S DEPARTMENT STORES,  
INC., a Delaware corporation;  
and DOES 1 through 50,  
inclusive,

Defendants.

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On April 12, 2011, plaintiff filed the instant putative  
class action in the Superior Court of California for the County  
of San Joaquin, alleging violations of the Song-Beverly Credit  
Card Act of 1971, Cal. Civ. Code §§ 1747-1748.95. (Docket No.  
1.) Defendant removed the action to this court on May 19, 2011.

Two similar putative class actions under the Song-

1 Beverly Credit Card Act have been filed against defendant,<sup>1</sup> the  
 2 first of which, Whittenburg v. Kohl's Corporation, Case No. 3:11-  
 3 cv-02320 CRB, is currently pending in the Northern District of  
 4 California.<sup>2</sup> (See Hatch Decl. ¶ 2, Ex. A (Docket No. 6-2).)  
 5 Defendant seeks transfer of the instant action to the Northern  
 6 District of California pursuant to 28 U.S.C. § 1404(a), arguing  
 7 that it would be convenient for the parties and witnesses and in  
 8 the interest of justice. See 28 U.S.C. § 1404(a). Defendant  
 9 states that it will seek consolidation of the cases following  
 10 transfer. (Mot. to Transfer at 7:1-8:4.)

11 Plaintiff filed a statement of non-opposition to  
 12 defendant's motion to transfer. (Docket No. 7.) In light of the  
 13 prior suit involving the same issues filed first in the Northern  
 14 District of California, where this action might have been  
 15 brought, the court finds that the convenience of the parties and  
 16 witnesses and the interest of justice weigh in favor of transfer.  
 17 Accordingly, the court will grant defendant's motion to transfer.

18 IT IS THEREFORE ORDERED that defendant's motion to  
 19 transfer venue be, and the same hereby is, GRANTED. This action  
 20 is TRANSFERRED to the United States District Court for the  
 21 Northern District of California. All dates currently pending  
 22 before the undersigned are hereby vacated.

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 24 <sup>1</sup> The other cases name Kohl's Corporation as the  
 25 defendant. Kohl's Department Stores, Inc., is a wholly-owned  
 subsidiary of Kohl's Corporation. (Def.'s Mot. to Transfer at 2  
 n.3 (Docket No. 6-1).)

26 <sup>2</sup> A motion to transfer the second case, Shirvanian v.  
 27 Kohl's Corporation, Case No. 11-cv-0899 H NLS, from the Southern  
 28 District of California to the Northern District of California, is  
 currently pending. (Def.'s Mot. to Transfer at 1 n.2 (Docket No.  
 6-1); Hatch Decl. ¶ 3, Ex. B (Docket No. 6-2).)

1 DATED: August 24, 2011

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3 WILLIAM B. SHUBB  
4 UNITED STATES DISTRICT JUDGE  
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